

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:07-HC-02033-H

UNITED STATES OF AMERICA

v.

DARRIN MARANDA

MOTION FOR HEARING
PURSUANT TO 18 U.S.C. § 4248

The respondent in the above-captioned case, by and through undersigned counsel, hereby respectfully moves this Honorable Court for a hearing to determine whether he meets the criteria for commitment under 18 U.S.C. § 4248. In support of this motion the respondent shows the following:

1. On March 10, 2008, the respondent was certified as a sexually dangerous person by the Bureau of Prisons pursuant to 18 U.S.C. § 4248.
2. Mr. Maranda has been detained under § 4248 since his certification date. Mr. Maranda is currently confined at Federal Correctional Institution Butner Medium I.
3. Mr. Maranda requests a hearing to determine whether he meets the criteria for being a sexually dangerous person under 18 U.S.C. § 4248.
4. Mr. Maranda wishes to exercise his right to have up to two independent mental health examiners of his choosing appointed by the court.
5. This Motion for Hearing will not begin the government's deadline to produce initial disclosures pursuant to Rule 26 and the August 4, 2010 Standing Order 10-SO-01. The parties have agreed to prepare a Joint Scheduling Order within forty-five (45) days from the date of the order granting this motion.

6. Pursuant to Fed. R. Civ. P. 5.2(d), L. Civ. R. 79.2, EDNC, Section T of the court's CM/ECF Administrative Policy Manual and Standing Order 10-SO-01, the respondent respectfully requests that the parties file any future forensic evaluations or other psychological or psychiatric documents in this case under seal, whether such reports are produced by government evaluators, independent examiners appointed by order of this court, or other mental health professionals.

WHEREFORE, for the foregoing reasons, Mr. Maranda respectfully requests that his motion be granted and that a hearing be scheduled to determine whether he should be committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4248, that the court appoint up to two independent mental health examiners, to be selected by the respondent, and that all future forensic evaluations and other such psychological and psychiatric documents that the parties may file in this case be filed under seal.

Respectfully requested this 27th day of January, 2011.

/s/ Thomas S. McNamara
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LR 57.1 Counsel
Appointed

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing *Motion for Hearing* was served upon:

Michael D. Bredenberg
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by electronically filing the foregoing with the Clerk of Court on January 27, 2011, using the CM/ECF system which will send notification of such filing to the above.

This the 27th day of January, 2011.

/s/ Thomas S. McNamara
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ORDER

This matter is before the court on respondent's January 27, 2011 motion (1) for a hearing to determine whether he meets the criteria for commitment under 18 U.S.C. § 4248, and (2) for the appointment of up to two independent mental health examiners of his choosing. The motion is GRANTED. This matter will be set for hearing pursuant to 18 U.S.C. § 4247(h) at such time as this Court's schedule permits. Pursuant to 18 U.S.C. § 4247(b), the court hereby ORDERS the appointment of up to two additional mental health examiner of respondent's choosing.

Additionally, this Order will not begin the government's deadline to produce initial disclosures pursuant to Rule 26 and the August 4, 2010 Standing Order 10-SO-01. The parties will prepare a Joint Scheduling Order within forty-five (45) days of this order.

Additionally, pursuant to Fed. R. Civ. P. 5.2(d), L. Civ. R. 79.2, EDNC, Section T of the court's CM/ECF Administrative Policy Manual and Standing Order 10-SO-01, the court ORDERS that the parties file any future forensic evaluations or other psychological or psychiatric documents in this case under seal, whether such reports are produced by government evaluators, independent examiners appointed by order of this court, or other mental health professionals.

This ____ day of _____ 2011.

Malcolm J. Howard
Senior United States District Judge